

A



Department of Public Safety  
**BUREAU OF POLICE**

To: Capt. T. Adams

From: Ptlm. R. Hill

Date: 06-19-99

Subject: Morning of 06-17-99

Sir,

At approximately 2240hrs. on 06-19-99, Sgt. J. McCall advised me to write you this letter explaining why Car B-1 (DiLoreto), and my car A-1 (with Wierbinski) were allegedly "speeding" across W. 6th Street passing cars on the morning of 06-17-99. In regards to that morning, car A-1 and B-1 had an alarm call towards the end of shift on the west side of Erie. The call was over, and both units headed-in. Car B-1 saw fit to hurry in with flashing lights and Relco on. Car B-1 did pass cars as they moved out of his way. Car A-1 was several city blocks behind Car B-1 the entire time, but citizens still waited for A-1 to pass before they resumed their travel. Knowing the City of Erie policy on Relco usage, I activated my flashing lights whenever Wierbinski drove through an intersection where DiLoreto had the Relco on and cars were waiting. As Wierbinski drove, it was not at an unreasonable speed as both he and I detest Police Officers driving like they shouldn't be.

Sincerely,

Robert W. Hill  
Patrolman, EPD

B



Department of Public Safety  
**BUREAU OF POLICE**

**TO:** Chief Paul J. DeDionisio

**FROM:** Cpt. D. Van Buskirk

**DATE:** 9DEC99

**SUBJECT:** Request For Disciplinary Action; Ptlm. G. DiLoreto

Sir:

On 1DEC99, Officer DiLoreto was scheduled for a preliminary hearing in Central Court. He failed to appear. Although Diloreto was on vacation from 27NOV99 until 6DEC99, he received his notice on 18NOV99. He made no attempt to cancel or continue the hearing.

This incident was preceded by a missed hearing on 1OCT99 for which he received a written warning for.

As indicated below, this officer has a history of disciplinary problems;

23JUN98 - inappropriate language to a Supervisor  
22OCT98 - missed hearing  
23DEC98 - 3 day suspension (allowed to work off) for court demeanor  
18JAN99 - written warning for inappropriate language to a waitress  
< 25JUN99 - reckless operation of Bureau equipment >

Regarding the matter at hand, I am requesting and recommending a 3 day suspension without the option of working days off.

**Violation:** Rule 39, Erie Bureau Of Police Rules and Regulations, "members or employees of the Bureau of Police who have hearings or cases in any court shall be punctual in attendance".

cc. Deputy Chief R. Szychowski  
attach: 5

Respectfully submitted;

  
Cpt. D. Van Buskirk

C



## DEPARTMENT OF PUBLIC SAFETY BUREAU OF POLICE

### CITIZEN COMPLAINT

I, Jeffrey C Russell, hereby accuse \_\_\_\_\_, a member or employee of the City of Erie Bureau of Police, of misconduct and or improper procedure, the facts of which are set forth below. I formally request that the incident be investigated in accordance with the Bureau of Police Rules, Regulations, and Procedures. I understand that I may be required to give additional statements to investigators and attend public hearings of this matter and that my failure to do so will result in dismissal of this complaint.

I further certify, under penalty of perjury, that all facts set forth in this complaint are true and correct.

Jeffrey C Russell  
(Signature)

Jeffrey C Russell  
Name (please print)

Sworn and subscribed before me  
this 14<sup>th</sup> day of JUNE, 1999

3831 MEADOW DR. ERIE PA 16506  
Address

Gary J. Krzeszewski  
Notary Public

838-3995 I         
Home Phone - Work Phone

Notarial Seal  
Gary J. Krzeszewski, Notary Public  
Please do not write below  
My Commission Expires Nov. 28, 2002  
Member, Pennsylvania Association of Notaries  
necessary)

the facts relevant to your complaint, giving dates, times, places and identity of witnesses, etc. (Please print or type and use additional sheets if necessary)

CITIZEN COMPLAINT

ATTENTION: Captain Van Buskirk--

Monday, June 14, 1999

On Tuesday, June 8<sup>th</sup>, 1999 during the early morning hour between 2:00am and 2:20am I was pulled over at the corner of 14<sup>th</sup> and French {I had just made a right hand turn heading south on to French Street which is one way North to South}. The Erie Policeman who pulled me over before asking for my driver's license and registration uttered, "Well that was a really stupid thing to do wasn't it?", in which I asked, "What was really stupid?", this Erie officer claimed that I ran the red light at the corner of 14<sup>th</sup> and State while making a left hand turn on to 14<sup>th</sup> heading east toward French, while he {this Erie Officer} was coming from the alley way, behind Calamaries, on to 14<sup>th</sup> heading west toward state street. We actually passed one another before this officer made a u-turn on 14<sup>th</sup> where he proceeded to get behind me and pull me over on French and 14<sup>th</sup> street. I proceeded to tell this officer that as I was entering the intersection at 14<sup>th</sup> and state, the light was definitely green and that I had believed that I did not commit a traffic violation by going through any red light.

CITIZENS COMPLAINT CONTINUATION

This officer was not very pleased with my strong conviction of the proceeding event since he repeatedly asked me, " Do I want to change my story?" which I defiantly answered, "No". He then again asked if I wanted to change my story, I told the officer that the only way that the light at 14<sup>th</sup> and state could have ever changed red so quickly is if he had changed it himself because I was dead certain that the light at 14<sup>th</sup> and state was absolutely not red when I was making my left hand turn on to 14<sup>th</sup> heading east toward French.

As the officer checked my license and registration, he proceeded to tell me that he was on his way to assist another officer on another call, which only solidifies what could have happened to the light at 14<sup>th</sup> and state, that is, as I entered the intersection the light immediately turned red.

As my background information was cleared, this officer proceeded not to issue me a ticket, or even a written warning, instead this officer began to reveal himself as a racist/prejudicial person employed as a Erie Policeman.



CITIZENS COMPLAINT CONTINUATION

Why I am actually writing this citizen complaint is not for the faulty traffic stop, but for the way this officer conducted himself and his demeanor toward an Erie citizen who did nothing wrong. His conduct was uncalled for to the extent that racial and prejudicial overtones were uttered from this officer's mouth. As this traffic stop was coming to an end, this Erie Police Officer explained to me, and these are his exact words, "You know, I patrol this area looking for bums and fags!" He proceeded to say, "That I'm going to let you go on your merry little way to have your merry little evening!" Being in the Social Work field acquiring my degree at Mercyhurst college, I have come away with the knowledge necessary to respect ALL people regardless of their race, religion, or sexual preference. It happens to be a focal point of the Social Workers' Code of Ethics. I am sure that the Erie Police Department follows a similar code of ethics when dealing with the public. This Erie Officer however appeared to be following his own code of ethics, and what frightens me more is if and when this officer does pull over someone who may sound and act gay to him, what senseless harm might come of it.

CITIZENS COMPLAINT CONTINUATION

Unfortunately I was unable to get this officer's badge number since he was taller than the hood of my car and appeared to stand to my far left side; however, I can say that he was a big guy about 6'3" or 4" tall and weighed around 210-220lbs, he had a full face and wore what appeared to be gold wire rimmed glasses. He was driving a dark navy blue police cruiser; however, I could not see what number his patrol car was since I was facing south on French which is one way and he was located behind my vehicle. I know that by checking the dispatchers notes for that evening you should have no problem identifying this officer. Not to mention as he stated he Patrols that area looking for "Bums" and "Fags", so the officer who was in the area of 14<sup>th</sup> and French on Tuesday morning June 8<sup>th</sup> between 2-2:20am was the officer who pulled me over.



Department of Public Safety  
**BUREAU OF POLICE**

TO: CPT ADAMS

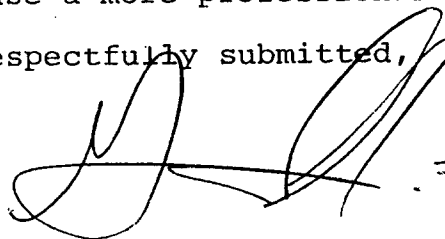
FROM: PTLM DILORETO

SUBJECT: COMPLAINT

Sir,

On 6-8-99 at apx 0230 hrs. I conducted a traffic stop near E. 14th and French st. for a red light violation I had observed at 14th and State St. . When I stopped the violator, a Jefferey C. Russell, I informed him why I was stopping him and asked him for his Driver's license, registration and current proof of insurance. Mr. Russell did produce the requested information but was argumentative with me about the nature of the stop. He felt that he had not gone through the red light in question. I ran computer checks to verify his driving status and validity of the registration and also ran warrant checks. This is standard procedure whenever I make a traffic stop. When every thing came back O.K. I decided to release the driver with a verbal warning about the violation. I also advised Mr. Russell that he was in an area frequented by vagrants and homosexuals to include male prostitutes and that we had had several complaints from area business owners, patrons and citizens to this effect. I used the terms "bums and fags" when I told him this not expecting him to take any offense and certainly not intending any personal attacks. I did not feel that Mr. Russell was either a homosexual or a vagrant. I never intended any disrespect and must note that a senior officer was present on the scene and knowing this and the fact that the officer is also an FTO, OFC. Chandley, I would not want to embarrass him, myself or this department. I apologise for the use of these slang terms but I meant no ill will toward Mr. Russell. I will also note that I did not choose to cite for the violation explaining to Mr. Russell the low traffic flow at that time and That I did not consider the violation to be very serious at the time. I will make all efforts to use a more professional jargon in the future.

Respectfully submitted,



#303



Department of Public Safety  
**BUREAU OF POLICE**

TO: Capt. Adams  
FROM: Ptlm. P. Chandley #267  
DATE: 062399  
RE: Complaint

Sir,

On 060999 at approx. 0230 hrs., I assisted as the backup officer at a traffic stop conducted by Ptlm. Diloreto in the area of East 14th and French Sts.

Upon my arrival, the stop had already been completed and Ptlm. Diloreto was speaking to the driver. I took up a position on the passenger side of the sportscar and ran driver's check and recieved the registration from the radio operator. I overheard Ptlm. Diloreto explain the violation that had been alledged. There was appearantly some disagreement on that point and Ptlm. Diloreto explained that he had been in the area due to complaints from the area businesses about the vagrants and homosexuals loitering about in the alleys. Ptlm. Diloreto used the terms bums and fags, but I do not believe it was done in a derogatory manner, just a manner of speach.

The driver was issued a verbal warning for the red light violation and released afterwards. I do not recall Ptlm. Diloreto stating for him to be on "his merry little way" or "merry evening" as alledged in the citizen's complaint.

Respectfully submitted,

Ptlm. P. Chandley #267  
06-23-99



Department of Public Safety  
**BUREAU OF POLICE**

To: Inspector H. G. STRICKLAND Internal Affairs  
From: Capt. T. ADAMS Shift Comm.  
Date: June 23, 1999  
Subject: Citizen's Complaint Jeffrey C. Russell

---

Sir;

Reference the attached CITIZEN'S COMPLAINT, against Ofc. G. DILORETO, by JEFFREY C. RUSSELL, on actions or choice of verbage used by him during a traffic stop on JUNE 08, 1999, reports were gathered as to the veracity of the complaint.

Ofc. G. DILORETO readily admits to using inappropriate language of BUMS and FAGS, but felt that the party he was talking to was not of an alternate sexual lifestyle, and would not be offended by the terminology. He denies that he told Mr. RUSSELL 'I'm going to let you go on your MERRY little way to have your MERRY little evening.' Ofc. P. Chandley was also present at the traffic stop and remembers the use of 'BUMS and FAGS' but also refutes Ofc. G. DILORETO making any other remarks that would have been out of taste.

Ofc. G. Diloreto was cautioned in his choice of verbage and instructed on profesionalism when acting as an agent for the CITY of ERIE. In the future, Ofc. G. Diloreto will act in a more profesional manner when dealing with the Citizens of ERIE. Ofc. G. Diloreto is sorry that Mr. Russell took umberage to his remark about BUMS AND FAGS, but feels that he is not HOMOPHOBIC, and there is no need for Mr. Russells' reaction and feelings of oppression.

I recomend no further action against Ofc. G. Diloreto at this time, however, any further complaints of this type will be delt with in the strongest fashion.

RESPECTFULLY

D

# DEPARTMENT OF PUBLIC SAFETY BUREAU OF POLICE

## CITIZEN COMPLAINT

I, Nicole Aggelakos, hereby accuse Officer Gregg a member or employee of the City of Erie Bureau of Police, of misconduct and/or improper procedure, the facts of which are set forth below. I formally request that the incident be investigated in accordance with the Bureau of Police Rules, Regulations, and Procedures. I understand that I may be required to give additional statements to investigators and attend public hearings of this matter and that my failure to do so will result in dismissal of this complaint.

I further certify, under penalty of law, that all facts set forth in this complaint are true and correct.

Nicole Aggelakos  
(Signature)

Nicole Aggelakos  
Name (please print)

Sworn and subscribed before me  
This 4th day of September, 2001

306 North St. Meadville  
Address NEW CELL 720-470

James Klerman  
Notary Public City Clerk

336-2992 1-877-2423  
Home Phone Work Phone

Please document, below, the facts relevant to your complaint, giving dates, times, places and identity of witnesses, etc. ( Please print or type and use additional sheets if necessary)

The day of September 1st, 2001 at 11:30 P.M. At The Location of A & P Mini Market on 26<sup>th</sup> and STATE, While entering store asked Police officer to watch car because windows were down and many people were around. Exit Store. Police officer called me over to car and said I was "good looking" and would like to get my phone number. After giving him phone number Police officer insisted meeting for breakfast after his shift. I told him no, <sup>He said</sup> then can we find a place more secluded to meet now.

CITIZEN COMPLAINT CONTINUATION

Told officer no, Had to leave to get back to Meadville. Told me Meadville was out of his patrol area and could not follow me home, Insisted on telling me the night was still young, did not matter what I was wearing. All that turned him on was Sexy underwear. Told him that I had to go again. Officer said I will follow you to the Highway and pull you over to see your sexy underwear. Told him goodbye, Got into car and left parking down State to bayfront, officer followed. Every light and every lane switch on way to bayfront officer would pull beside car, Yelling out window (officer) I will follow you to the Highway. Got onto bayfront still following me. Finally turned around by Condos on bay front, when returned home, Phone ringing. Answer phone, it was police officer. Told him not a good time to talk, He asked when a good time to talk. Said call back in 10 minutes. Left apartment. Returned later that night, with hang ups on answering machine. Next day received two prank calls from officer.





**Department of Public Safety  
BUREAU OF POLICE**

**TO: Deputy Chief Szychowski**  
**FROM: Sgt. K. Werner**  
**DATE: September 2, 2001**  
**SUBJECT: Officer Conduct**

Sir,

While working as Officer in Charge I received a telephone call from a ~~Nicole Aggelakos~~. Nicole works at Hamot emergency room second shift. She stated that on ~~09-01-01~~ at around ~~2330~~ hours, she had just left work and went to the A-Plus mini mart at 26<sup>th</sup> and State Sts. When leaving there she noticed a police car behind her. She was pulled over at 14<sup>th</sup> and State Sts. The Officer was alone in the unit. She stated the Officer approached and asked her for her telephone number. The Officer also stated that she was cute and wanted to know if she would go to breakfast with him in the morning, as he was done at 0700 hours. Nicole stated she was very nervous and felt that she would get a ticket if she did not give him her telephone number. She stated that the telephone was ringing when she got home and it was the Officer.

Nicole also related that the Officer told her that he was going to follow her onto the highway and that he wanted to see her panties. Nicole stated she was confused and at a loss as to what action, she should take. After speaking with her today, she is afraid of leaving work tonight. She lives in Meadeville, Pa. In addition, related to me that she is afraid of being pulled over on a dark highway on the way home.

Nicole did not get the car number, but gave a description of the Officer. She stated his name was ~~Greg~~ (he told her that), he wore glasses, was heavy set, short dark hair, and had no facial hair.

Sgt. Angelotti took a complaint form down to Hamot ER this date and advised her that if the Officer showed up when she was getting out of work to call us. Nicole works in Hamot ER and can be reached there on second shift. Her home telephone number is ~~814-336-2992~~ she lives at 306 North Street Meadeville, Pa.

**GROUP III**  
**SERGEANT'S**  
**ACTIVITY REPORT**

DATE 1-1

SERGEANT: \_\_\_\_\_

ASSIGNMENTS		BADGES	RADIO #	CAR #
SHIFT COMMANDER: <u>Det. Subas</u>		94		
OFFICER IN CHARGE:				
STREET LIEUTENANT:				
STREET SERGEANT: C-1 <u>Sgt. Diubel</u>		222		
STREET SERGEANT: C-2				
STREET SERGEANT: C-3 <u>Sgt. McCall</u>		246		
RADIO: <u>Brown</u>				
SWITCHBOARD: <u>Zimmer</u>				
SCOPE: <u>Local</u>				
CLERK: <u>Muski</u>				
CLERK: <u>Casale</u> <u>PHIS</u>				
SECURITY OFFICER: <u>Yacco</u>		124		
<b>EARLY BEAT CARS</b>				
A-1:	<u>Col. Hill - Barney</u>	284-356	111-	A-1
A-2:	<u>Diubel - Filotas</u>	310-317	115-117	A-2 (E-6)
B-1:	<u>Diubel</u>	220	91	B-1
B-3:	<u>Col. Crawford</u>	280	75	B-3
Q-1:	<u>Nelson - Gatti</u>	240-336	139-87	Q-1
<b>LATE BEAT CARS</b>				
A-3:	<u>Rounds - Onofork</u> (Rounds Early Quit)	322-358	136-101	A-3
A-4:	<u>Seasatt - Taccans</u> <u>OT</u>	307-314	81-144	A-4
B-2:				
B-4:	<u>Diubel</u>	303	178	B-4
G-1:	<u>Williams - Neumann</u>	213-228	93-94	G-1
<b>EXTRA CARS</b>				
<b>EXTRA RADIOS: 47-50-51-52-53-54-60-77-79-92-185-195</b>			<b>EXTRA VEHICLES</b>	
REMARKS			E-1	
			E-2	
			E-3	
			E-4	
			E-5	
			99	



**Department of Public Safety  
BUREAU OF POLICE**

**TO:** Inspector H.G. Strickland

**FROM:** Cpt. D. Van Buskirk

**DATE:** 3SEP01

**SUBJECT:** Citizens Complaint Against Ptlm. G. DiLoreto

Sir:

Per our conversation, I contacted the complainant in this matter, Nicole Aggelakos, at Hamot Medical Center this date. I posed two questions to her that needed clarifying in Sgt. Werners report.

**Q:** did you answer the phone when the officer called, after you got home?

**A:** yes

**Q:** what did he say?

**A:** he asked if I could talk. I hadn't had a chance to tell my boyfriend about the incident and I said "no". He asked if he could call back and I told him to call back in ten minutes. I then left with my boyfriend and I don't know if he called again.

**Q:** why did you head north after leaving the A-Plus to go to Meadville.

**A:** I only know the main streets in Erie and I know the A-Plus is open all night. I was going back down State St. to get to the Bayfront Parkway and I-79 to go home.

I inquired if she had completed the Citizen Complaint form and she said she had it done but there wasn't a Notary Public on duty today at the hospital. Pursuant to my conversation with you, I told her it would not be necessary to have it notarized at this time and that I would pick it up at Hamot tonight.

This completed our conversation and the complaint form is attached.

As you know, I spoke with you and Deputy Chief Szychowski earlier this date and we all agreed that the officer should be off the street pending the results of this investigation. The officer was contacted at home and told to wear old civilian clothes to work tonight. We are in dire need of extra cells. I will suggest to Cpt. Adams to have the officer begin emptying out A range, which has working doors, and placing all items into B range, of which cells 1,2, and 3 are broken. He will be further instructed to write a report to Sgt. Bugaj, indicating the location that any evidence has been moved to. It is my understanding that none of the items in A range have any significant evidentiary value.

Once A range is empty, it is requested that Maintenance power wash them and examine them to see that the water and toilets work and see if any welding is needed on the bottom rails and floors.

Further, I would suggest Sgt. Bugaj review what has been placed into B range and determine if the cells need to be secured with chains and padlocks.

Respectfully submitted;

  
Cpt. D. Van Buskirk

cc. Chief Paul J. DeDionisio  
Deputy Chief Szychowski  
Cpt. Adams  
Lt. Skrypzak  
Sgt. Bugaj

## CRIMES AND OFFENSES

- update your research with the most current information
- expand your library with additional resources
- retrieve current, comprehensive history and citing references to a case with KeyCite

For more information on using WESTLAW to supplement your research, see the WESTLAW Electronic Research Guide, which follows the Preface.

---

## ARTICLE E

### OFFENSES AGAINST PUBLIC ADMINISTRATION

#### Chapter

- 45. GENERAL PROVISIONS
- 47. BRIBERY AND CORRUPT INFLUENCE
- 49. FALSIFICATION AND INTIMIDATION
- 51. OBSTRUCTING GOVERNMENT OPERATIONS
- 53. ABUSE OF OFFICE
- 55. RIOT, DISORDERLY CONDUCT AND RELATED OFFENSES

## CHAPTER 53

### ABUSE OF OFFICE

#### Section

- 5301. Official oppression.
- 5302. Speculating or wagering on official action or information.
- 5303. Liability for reimbursement of costs for outside counsel.

#### Cross References

Misdemeanor,  
Defined, see 18 Pa.C.S.A. § 106.  
Penalty, see 18 Pa.C.S.A. § 1104.

#### WESTLAW Electronic Research

See WESTLAW Electronic Research Guide following the Preface.

### § 5301. Official oppression

A person acting or purporting to act in an official capacity or taking advantage of such actual or purported capacity commits a misdemeanor of the second degree if, knowing that his conduct is illegal, he:

- (1) subjects another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights; or

**ABUSE OF OFFICE****18 Pa.C.S.A. § 5301**

Note 1

(2) denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity.

1972, Dec. 6, P.L. 1482, No. 334, § 1, effective June 6, 1973.

**Official Comment—1972**

This section is derived from Section 243.1 of the Model Penal Code.

Existing law does not contain a provision specifically penalizing official oppression. The provisions of The Penal Code of 1939 (18 P.S. § 4101 *et seq.*) apply to conduct of an official as an individual.

This section creates a distinct crime which extends to all official activities. It should be emphasized that clause (2) applies to the denial of any right or privilege or protection to which a person is legally entitled.

This section is intended to cover the use of official position to wrong another. If an official privately commits a wrong he, of course, will be subject to the same penalties as a private citizen who does so.

**Historical and Statutory Notes****Model Penal Code:**

This section is similar to § 243.1 of the Model Penal Code. See 10 Uniform Laws Annotated, Master Edition.

**Library References**

Municipal Corporations	§ 747(1, 3).	C.J.S. Officers and Public Employees
Officers and Public Employees	§ 121.	§§ 255 to 259.
Sheriffs and Constables	§ 153.	C.J.S. Sheriffs and Constables
WESTLAW Topic Nos.	268, 283, 353.	§§ 209 to 210.
C.J.S. Municipal Corporations	§§ 758, 775 to 776.	

**Notes of Decisions**

**In general** 2  
**Ball Bondsmen** 5  
**Defenses** 10  
**Indictment and information** 9  
**Judges** 4  
**Limitations** 7  
**Police officers** 3  
**Private right of action** 6  
**Restitution** 12  
**Sentencing** 11  
**Trial** 8  
**Validity** 1

**1. Validity**

Term "mistreatment" in official oppression statute was not unconstitutionally vague as applied to judge charged with official oppression based on alleged solic-

itation of woman who appeared before him on driving under the influence charges, despite defendant judge's allegations that victim consented, since defendant's treatment of victim was no less of an abuse of his office because she may have consented in order to assure dismissal of charges against her. *Com. v. Checca*, 491 A.2d 1358, 341 Pa.Super. 480, Super.1985, appeal denied.

Application of this section to deputy prison warden who was alleged to have mistreated prison inmates by striking and kicking them in the course of disciplinary hearings was not unconstitutional, despite the defendant's contention that term "mistreatment" was impermissibly vague. *Com. v. Manlin*, 411 A.2d 532, 270 Pa.Super. 290, Super.1979.

**18 Pa.C.S.A. § 5301 PUBLIC ADMINISTRATION CRIMES****Note 2****2. In general**

Anyone acting in an official capacity in Pennsylvania, including a policeman, commits a misdemeanor if, knowing his conduct is illegal, he subjects another to arrest, detention, search, seizure, mistreatment or other infringement of personal or property rights or denies or impedes another in exercise of any of his rights, privileges, power or immunities. *Com. of Pa. v. Porter*, C.A.3 (Pa.)1981, 659 F.2d 306, certiorari denied 102 S.Ct. 3509, 458 U.S. 1121, 73 L.Ed.2d 1383.

Statute defining crime of official oppression applies to improper denial of aid, privilege or protection to which a person is entitled by law, as well as aggressive action against the individual. *Com. v. Checca*, 491 A.2d 1358, 341 Pa.Super. 480, Super.1985, appeal denied.

In order to constitute offense of "Official Oppression," person acting in "official capacity" must knowingly and illegally deny or impede another in the exercise of some "right," "power" or "immunity" or must knowingly and illegally subject another to arrest, detention, search, seizure, mistreatment, dispossession, assessment, lien or other infringement of personal or property rights. *Com. v. Eisemann*, 453 A.2d 1045, 308 Pa.Super. 16, Super.1982.

For purposes of offense of "Official Oppression," word "knowing" as used in connection with knowingly and illegally denying or impeding another in exercise of some right, power or immunity, means that accused must have been acting in "bad faith" when he subjected the other to the proscribed activities. *Com. v. Eisemann*, 453 A.2d 1045, 308 Pa.Super. 16, Super.1982.

As general rule officer in uniform is cloaked with authority of his office, and therefore, actions taken by him which constitute mistreatment of another may fairly be said, within terms of this section, to be "taking advantage" of that authority. *Com. v. Stumpo*, 452 A.2d 809, 306 Pa.Super. 447, Super.1982.

**3. Police officers**

Although officer was not performing official act, such as making arrest, in dealing with cocktail waitress, where officer was on duty and armed when he blocked cocktail waitress' way as she attempted to leave service bar, and when

he yanked on her brassiere strap, and pulled down top of her leotard over her shoulder, officer's mistreatment of cocktail waitress was "taking advantage" of his official capacity within meaning of this section. *Com. v. Stumpo*, 452 A.2d 809, 306 Pa.Super. 447, Super.1982.

Motorist's conviction for driving while under influence of intoxicating liquor and resisting arrest did not, on principles of collateral estoppel, bar arresting officer's convictions of assault and official oppression based on the arrest, since motorist's acceptance into accelerated rehabilitative disposition program did not constitute an adjudication of guilt and Commonwealth and not defendant was the other party in that criminal action. *Com. v. Baranyai*, 419 A.2d 1368, 278 Pa.Super. 83, Super.1980.

**4. Judges**

Defendant's action in using his position as a district judge to receive sexual favors from a woman whose case was pending before him was an illegal use of his office proscribed by the law against official oppression, and fact that victim may have solicited him at the outset made no difference where facts supported a conclusion that defendant agreed with her proposal. *Com. v. Checca*, 491 A.2d 1358, 341 Pa.Super. 480, Super.1985, appeal denied.

Judge's acquittal on charges of bribery was not inconsistent with his conviction for official oppression based on alleged solicitation of woman who appeared before him on driving under the influence charges, since evidence that defendant accepted a sexual favor, but did not do so in consideration for dismissing driving while under the influence charges, may have precluded a conviction for bribery, but such evidence would not necessarily negate element of crime of official oppression in that such crime requires proof only that defendant acted in his official capacity and, knowing his conduct to be illegal, subjected another to mistreatment. *Com. v. Checca*, 491 A.2d 1358, 341 Pa.Super. 480, Super.1985, appeal denied.

**5. Bail Bondsmen**

Bail bondsman, who apprehended his bail jumping principal, transported him to destination in trunk of car, and drove through city with bail jumper tied to roof of car as an example to others tempted to



**ABUSE OF OFFICE****18 Pa.C.S.A. § 5302**

flee justice to bail bondsman's financial detriment, had authority to take bail jumper into custody, and violated official oppression statute, 18 Pa.C.S.A. § 5301, when he abused that authority, notwithstanding fact that bail bondsman was not public official. *Com. v. Russ*, 503 A.2d 450, 349 Pa.Super. 445, Super.1986, appeal denied 531 A.2d 429, 515 Pa. 621.

**6. Private right of action**

District court would not infer from Pennsylvania criminal code private right of action that would have effect of significantly increasing public officials' exposure to civil liability under state law; Pennsylvania Official Oppression Act set forth elements of crime but did not create private cause of action. *Agresta v. Goode*, E.D.Pa.1992, 797 F.Supp. 399.

**7. Limitations**

Prosecution for official oppression offenses was not barred by statute of limitations, where it began within ten years of alleged offenses, in light of extension to two-year limitations period to cover period while alleged perpetrator was still in public office or employment; exception included time of occupancy of office or employment or within five years thereafter, but not beyond eight years, so that, where defendant continued to occupy public office, maximum time for commencement of prosecution was ten years. *Com. v. O'Kicki*, 597 A.2d 152, 408 Pa.Super. 518, Super.1991, appeal denied 626 A.2d 1156, 534 Pa. 637, reconsideration denied.

**8. Trial**

Trial court did not err when, during prosecution for perjury and obstructing the administration of the law, it placed notations on verdict slip seeking to identify for jury the separate counts charged. *Com. v. Kelly*, 399 A.2d 1061, 484 Pa. 527, Sup.1979, appeal dismissed 100 S.Ct. 417, 444 U.S. 947, 62 L.Ed.2d 317.

**9. Indictment and information**

Information charging in one-count crime of official oppression of 16 persons by unspecified acts occurring on undesignated occasions during one summer was

fatally defective for failure to comply with Pa.R.Crim.P., Rules 225 and 228, 42 Pa.C.S.A., requiring that indictment contain statement of essential elements and date of offense and that there be separate count for each offense charged. *Com. v. Baranyai*, 419 A.2d 1368, 278 Pa.Super. 83, Super.1980.

Permitting information to be amended over defense objection by adding name of additional persons whom Commonwealth alleged had been oppressed by acts of misconduct of defendant violated Pa.R.Crim.P., Rule 229, 42 Pa.C.S.A., allowing amendment only if it does not charge an additional or different offense. *Com. v. Baranyai*, 419 A.2d 1368, 27 Pa.Super. 83, Super.1980.

**10. Defenses**

Where a public official, under color of his office, solicits or accepts a sexual favor in the course of discharging a duty of his office, assent of the victim is not defense to a charge of official oppression. *Com. v. Checca*, 491 A.2d 1358, 34 Pa.Super. 480, Super.1985, appeal denied.

**11. Sentencing**

Trial court did not abuse its discretion in sentencing defendant judge, convicted of official oppression based on alleged solicitation of woman who appeared before him on driving under influence charges, to 11½ months to 24 months imprisonment, in view of gravity of offense. *Com. v. Checca*, 491 A.2d 1358, 341 Pa.Super. 480, Super.1985, appeal denied.

**12. Restitution**

Governmental entity may be victim of crime under state restitution law, and thus, Commonwealth could be awarded restitution for salary paid to judge from date of his suspension from judicial office; Commonwealth was entitled to restitution for payment made for work not done. *Com. v. O'Kicki*, 597 A.2d 152, 408 Pa.Super. 518, Super.1991, appeal denied 626 A.2d 1156, 534 Pa. 637, reconsideration denied.

**§ 5302. Speculating or wagering on official action or information**

A public servant commits a misdemeanor of the second degree if in contemplation of official action by himself or by a government:





**Department of Public Safety  
BUREAU OF POLICE**

**TO: Inspector Strickland**

**FROM: Sgt. K. Werner** *Sgt. K. Werner*

**DATE: September 4, 2001**

**SUBJECT: Officer DiLoreto**

Sir:

This is to inform you of the follow-up on the complaint I received on September 2, 2001. After receiving the initial complaint, I was advised by Captain Van BusKirk to call Officer DiLoreto into the OIC's office when he arrived for work that evening. I was told to advise him that a verbal complaint had been filed against him, and he was to avoid any further contact with the complainant.

That evening, along with Sgt. Liebel, Sgt. Angelotti, and Lt. Franklin, Officer DiLoreto was called in to the OIC's office and advised of the complaint. He denied at the time making any traffic stops that evening. He was told that the complainant worked at Hamot Hospital and that she stated the initial contact occurred at 26<sup>th</sup> and State Streets. Officer DiLoreto did say he talked to a female at A-Plus Mini Mart at 26<sup>th</sup> and State. He was then advised again to avoid any contact with her, in person or by telephone. He stated he did not even have her telephone number. Officer DiLoreto stated he would not go near her.



**Department of Public Safety  
BUREAU OF POLICE**

**TO:** Lt. S. Franklin, Sgt. D. Angelotti, Sgt. R. Liebel  
**FROM:** Cpt. D. Van Buskirk  
**DATE:** 5SEP01  
**SUBJECT:** Request For Report

Per Insp. Strickland, submit a report regarding the discussion with Off. DiLoreto regarding the recent allegation against him.

Be specific as to any statements he made which indicated he had knowledge of the incident you were discussing.

Submit report to Insp. Strickland ASAP. Thanks.

Erie Police Department

CD056051

7/04/01

## Radio Log Inquiry

ORI #: PA0250200 EPD Incident #: 2001-00034827 Inc. Type: Susp Persn  
Call Date : 09/01/2001 Call Time : 23:47:05  
Dispatch Time : 23:50:00 Arrive Time: 0:02:26 Clear Time: 0:09:28  
Location : 2525 PEARL AV  
Common Name :  
Nature of Call: W/M OLDER BUSHY HAIR FLANNEL SHIRT BOOTS

Unit	Type	Dispatch	Arrive	Clear	Status	ID#1	Secondary Location
3B4	BCAR	23:50:00			Dispatch	303	
3A2	ACAR	23:50:22			Dispatch	310	
3A2	ACAR		0:02:26		Arrive		
3B4	BCAR		0:02:26		Arrive		
3A2	ACAR			0:09:28	Clear Call	310	
3B4	BCAR			0:09:28	Clear Call	303	

F3=Exit F11=View2 F12=Cancel F17=Print

Bottom

DIBELLO CONFIRMS  
THAT DIBELLO WAS  
AT PEARL AVE.

Police Department

Work with Cleared Calls

C0123031

J4/01

I #: PA0250200 EPD

Reset by Date/Time: \_\_\_\_\_ / \_\_\_\_\_

Type options, press Enter.

2=Change 5=Display 6=Print 10=Create 11=Recall 14=Status/Disposition  
15=Vehicles 16=Names 18=Radio Log 19=Dispatch 20=Plates 24=Documents

More: + -

Opt	Date	Time	Units	Type	Location	Rpt Incident #	ORI #
*	09/02/01	1:56	3F1	22 P	1161 W 22 ST	N 01-00034838	PA0250200
*	09/02/01	1:01	3B3	18 P	2612 PARADE ST	N 01-00034837	PA0250200
*	09/02/01	0:58	3A2 K7	43A P	3/FRENCH	Y 01-00034836	PA0250200
*	09/02/01	0:55	3G1	33 P	3328 EAST AV	Y 01-00034835	PA0250200
*	09/02/01	0:53	3A2 3A4	17 P	1101 PARADE ST	N 01-00034834	PA0250200
*	09/02/01	0:35	3Q1 K7	2 P	1035 DOWNING AV	Y 01-00034833	PA0250200
*	09/02/01	0:30	K11	11 P	655 W 26 ST UP	N 01-00034832	PA0250200
*	09/02/01	0:29	3B1	33 P	232 W 25 ST	Y 01-00034831	PA0250200
*	09/02/01	0:29	3G1	28 P	628 W 19 ST DOW	Y 01-00034830	PA0250200
*	09/01/01	23:53	3B3 K2	14 P	100 W 18 ST BLK	N 01-00034829	PA0250200
*	09/01/01	23:47	3G1 3A3	13 P	2015 PLUM ST 1F	Y 01-00034828	PA0250200
*	09/01/01	23:47	3B4 3A2	36 P	2525 PEARL AV	N 01-00034827	PA0250200

More...

F3=Exit F4=Prompt F5=Refresh F9=Resequence F12=Cancel



**Department of Public Safety  
BUREAU OF POLICE**

**TO: Inspector Strickland**  
**FROM: Sgt. D.M. Angelotti**  
**DATE: September 6, 2001**  
**SUBJECT: Citizen's Complaint regarding Ptlmn. Diloreto**

On 9-2-01, Sgt. K. Werner, OIC, received a verbal complaint via phone call from a nurse at Hamot E.R. concerning the conduct of one of our officers the night before. From her description of the officer and the circumstances involved, the officer could be Greg Diloreto. At the direction of the OIC, this officer delivered a Citizen's complaint form to her at Hamot E.R..

On 9-2-01, at approx. 2230 hrs, I was in the OIC's office as Officer Diloreto was advised of the "verbal" complaint and instructed to avoid all contact with the subject involved. Sgt. Werner told him that a female had a complaint concerning a traffic stop he made last night.

Officer Diloreto stated that he didn't make any traffic stops last night. Sgt. Werner asked if he ran into a nurse from Hamot. Officer Diloreto stated that **he was approached** by a nurse while he was at the A-Plus at 26<sup>th</sup> and State. He said he didn't approach "her".

Sgt. Werner advised him to avoid all contact in person or by telephone and Officer Diloreto stated that he didn't have her number. Lt. Franklin and Sgt. Liebel were also present during this meeting.

Respectfully submitted,

  
Sgt. D.M. Angelotti



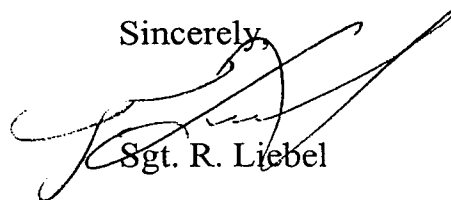
**Department of Public Safety  
BUREAU OF POLICE**

**TO: Inspector Strickland**  
**FROM: Sgt. R. Liebel**  
**DATE: September 9, 2001**  
**SUBJECT: Greg DiLoreto**

Sir,

In reference to this incident, I was informed by Sgt. Werner of the incident upon arriving at work that evening. I informed Sgt. Werner that when Officer DiLoreto's arrival at work, we will take him into the office and speak with him about the complaint. After taking him into the office, Sgt. Werner asked him if he had any contact with any females the previous night, he hesitated and then stated not that he could remember. He then paused and said that he had talked with a nurse from Hamot at about 2330 hrs at the A-Plus at 26<sup>th</sup> and State. Apparently she asked him to watch her car while she ran into the store which he did, she then thanked him prior to her leaving to go home. Sgt. Werner then told Officer DiLoreto of the allegations the nurse made. He said it was untrue and that she gave him her phone number after having some sort of conversation about her boyfriend wanting to become a state trooper. I then advised Officer DiLoreto to not have any contact with her at the hospital and to not make any phone calls to her at work or at her residence. I then left the room as I had to conduct roll call and they stayed in the OIC's office and continued to talk, but I was not informed what else he said. I contacted the nurse and advised her to fill out the complaint form and bring it with her to work the next day so I could pick it up, I also advised her he had been advised to stay away from her. She agreed and stated she would have it ready the next day. Upon arriving at work the next day, I was informed by Capt Vanbuskirk that they had picked up the complaint from the nurse, therefor I had no other contact with the victim.

Sincerely,



Sgt. R. Liebel



**Department of Public Safety  
BUREAU OF POLICE**

**TO:** Insp. G. Strickland  
**FROM:** Lt. S. Franklin *AS*  
**DATE:** September 12, 2001  
**SUBJECT:** Allegation Against Ptlm. G. DiLoreto

Sir;

Regarding the above-listed subject, I was assigned to work Foot Patrol detail on Sun. 9-2-01 from 1800-2400hrs. when I was informed by OIC Sgt. Werner that an allegation had been made against Ptlm. G. DiLoreto by a private citizen. Sgt. Werner further advised me that he was going to call Ptlm. DiLoreto in at the start of his assigned shift and warn him not to have any further contact with the female citizen making the allegation until such time as it could be investigated. Sgt. Werner requested that I stand-by as a witness to this course of action. I agreed to assist him in this action.

Upon my coming into the station at the change of shift I discovered that Sgt. Werner had already called Ptlm. DiLoreto into the OIC's office and had started advising him in the presence of Sgt. Libel. Upon my entering the office Sgt. Werner had just advised Ptlm. DiLoreto of the particulars of the allegation at which point Ptlm. DiLoreto denied the allegation as far as stopping the female who made the complaint. Sgt. Werner advised Ptlm. DiLoreto that there were two sides to every story and regardless of his side he should still avoid any contact with the complainant until the matter is resolved. Ptlm. DiLoreto then stated that the female in question approached him at the A-Plus Store at 26th & State St. and asked him for his telephone number and continued to deny that he approached her or asked her for her telephone number. I then advised Ptlm. DiLoreto to avoid the complainant until this matter is resolved and I then left the office.



**Department of Public Safety**  
**BUREAU OF POLICE**  
**Criminal Investigation Division**

WAIVER FORM

Computer Voice Stress Analysis

I, Nicole A. Aggelakos, do hereby voluntarily, without the use of threats or promises of any kind, submit to examination by the voice stress analysis truth verification technique. I understand that this examination may be audio and/or video taped and those recordings used for the purpose of documentation, training purposes, and/or analysis.

Signature Nicole Aggelakos Date 9/15/01

(Parent or concerned adult if subject is a minor)

(Relationship to minor)

Witnessed

2 COPIES; ORIGINAL ATTACHED TO REPORT, COPY TO BE PLACED IN CUSA FILES.

INC. # INTERNAL INVESTIGATION

TEST # 449

TAPE # 74

STARTING TIME: 4:10 PM

ENDING TIME: 4:58 PM



**Department of Public Safety  
BUREAU OF POLICE**

TO: INSPECTOR H. G. STRICKLAND  
FROM: D/SGT KENNETH R. MERCHANT  
DATE: 9-17-01  
SUBJECT: CVSA TESTING OF NICOLE AGGELAKOS

SIR,

ON 9-15-01, AS YOU REQUESTED, I ADMINISTERED A CVSA TEST ON SUBJECT NICOLE AGGELAKOS. SUBJECT DID AGREE TO TAKE THE TEST AND DID SIGN THE CVSA WAIVER FORM.

THE SCOPE OF THE TRUTH VERIFICATION EXAMINATION WAS LIMITED TO THE SUBJECT'S HONESTY AS IT RELATES TO THE ALLEGATIONS, AGAINST AN OFFICER, SHE MADE IN HER CITIZENS COMPLAINT FORM.

DURING THE PRETEST INTERVIEW, SUBJECT STATED THE SAME FACTS OF THE CASE AS SHE HAD IN THE VIDEO TAPED INTERVIEW WITH YOURSELF AND CPT. VANBUSKIRK EARLIER. SHE BASICALLY STATED THAT AT THE A PLUS STORE, A POLICE OFFICER IN UNIFORM AND AN MARKED CRUISER, WHO GAVE HIS NAME AS GREG, HAD ASKED HER TO HAVE BREAKFAST WITH HIM. HE ALSO STATED THAT HE WANTED HER TO GO TO A MORE SECLUDED AREA WITH HIM AND STATED THAT HE WOULD PULL HER OVER SO AS TO SEE HER UNDERWEAR. HE FOLLOWED HER WHEN SHE LEFT THE AREA HEADING TO THE BAYFRONT PARKWAY AND KEPT TELLING HER HE WAS GOING TO PULL HER OVER WHEN SHE GOT ONTO THE HIGHWAY AND MAKING OTHER REMARKS. SHE STATED THAT HE STOPPED FOLLOWING HER ABOUT THE TIME SHE REACHED THE CURVE ON THE BAYFRONT PARKWAY. SHE STATED THAT WHEN SHE GOT HOME, HE CALLED HER. SHE KNOWS IT WAS HIM BECAUSE HE TOLD HER IT WAS "GREG". SHE TOLD HIM TO CALL BACK AND THEN SHE AND HER BOYFRIEND LEFT THE APARTMENT. SUBJECT STATED THAT SHE DID FEEL THAT HIS ACTIONS WERE HARRASSMENT AND THAT IS WHY SHE FELT SHE SHOULD FILE THE COMPLAINT. SHE SAID SHE DID NOT EVER EXPECT A POLICE OFFICER TO ACT IN THIS MANNER.

WE THEN FORMULATED 11 QUESTIONS FOR THE GENERAL SERIES FORMAT. OF THOSE, 3 QUESTIONS WERE RELEVANT QUESTIONS. THE FOLLOWING RELEVANT QUESTIONS WERE INTERSPERSED WITH IRRELEVANT AND CONTROL QUESTIONS;

#4 - DID OFFICER GREG SAY HE WAS GOING TO PULL YOU OVER TO SEE YOUR UNDERWEAR? SUBJECT ANSWERED "YES" TO THIS QUESTION.

#6 - DID OFFICER GREG ASK YOU TO GO TO A MORE SECLUDED AREA WITH HIM ? SUBJECT ANSWERED "YES" TO THIS QUESTION.

#10 - DID OFFICER GREG CALL YOU THAT NIGHT AFTER YOU GOT HOME ? SUBJECT ANSWERED "YES" TO THAT QUESTION.

BASED ON MY TRAINING AND EXPERIENCE, IT IS MY OPINION THAT THE SUBJECT ANSWERED THE RELEVANT QUESTIONS TRUTHFULLY AND THE CHARTS ARE NDI, (NO DECEPTION INDICATED).

THIS TO/FROM SUBMITTED TO YOU ALONG WITH THE ORIGINAL COPY OF THE CVSA WAIVER FORM. A COPY OF THIS REPORT AND THE WAIVER FORM WILL BE KEPT IN THE CVSA OFFICE FILES. THIS CVSA TEST WAS ALSO RECORDED ON CVSA INTERVIEW TAPE NUMBER 74 AND WILL ALSO BE MAINTAINED IN THE CVSA OFFICE.

RESPECTFULLY SUBMITTED,

*Det Sgt Kenneth R. Richard*

## **INTERNAL INVESTIGATION WARNING**

**OFFICER:** Gregory DiLoreto **DATE:** 9/20/2001

**Incident :** Citizens Complaint of Nicole Aggelakos

I WISH TO ADVISE YOU THAT YOU ARE BEING QUESTIONED AS PART OF AN OFFICIAL INVESTIGATION OF THE CITY OF ERIE BUREAU OF POLICE. YOU WILL BE ASKED QUESTIONS SPECIFICALLY DIRECTED AND NARROWLY RELATED TO THE PERFORMANCE OF YOUR OFFICIAL DUTIES OR FITNESS FOR OFFICE.

YOU ARE ENTITLED TO ALL THE RIGHTS AND PRIVILEGES GUARANTEED BY THE LAWS AND THE CONSTITUTION OF THE COMMONWEALTH OF PENNSYLVANIA AND THE CONSTITUTION OF THE UNITED STATES, INCLUDING THE RIGHT NOT TO BE COMPELLED TO INCRIMINATE YOURSELF.

I FURTHER WISH TO ADVISE YOU THAT IF YOU REFUSE TO TESTIFY OR TO ANSWER QUESTIONS RELATING TO THE PERFORMANCE OF YOUR OFFICIAL DUTIES OR FITNESS FOR DUTY, YOU WILL BE SUBJECT TO DEPARTMENTAL CHARGES WHICH COULD RESULT IN YOUR DISMISSAL FROM THE ERIE BUREAU OF POLICE. IF YOU DO ANSWER, NEITHER YOUR STATEMENTS NOR ANY EVIDENCE WHICH IS GAINED BY REASON OF SUCH STATEMENTS CAN BE USED AGAINST YOU IN ANY SUBSEQUENT CRIMINAL PROCEEDING. EXCEPT FOR PERJURY OR OBSTRUCTION OF JUSTICE. HOWEVER, THESE STATEMENTS MAY BE USED AGAINST YOU IN SUBSEQUENT DEPARTMENTAL CHARGES.

**OFFICERS ACKNOWLEDGMENT:**  #303

**WITNESS:** Cpt. D. Van Bueck **Date:** 22 SEP 01 **Time:** 2235



**DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF POLICE**

**TO:** Patrolman Gregory DiLoreto

**FROM:** Inspector H. G. Strickland

**DATE:** Thr. 20 September 2001

**SUBJECT:** Internal Investigation

**REFERENCE:** Complaint of Aggelakós

---

Patrolman DiLoreto:

On September 4<sup>th</sup>, 2001 a properly completed and notarized Citizen Complaint was submitted to the Bureau of Police by a Nicole Aggelakos. In her complaint, a copy of which is attached, she alleges that on September 1<sup>st</sup>, 2001 she was subjected to unprofessional and unnecessary questions, comments, and attention by you.

The Chief of Police has ordered an administrative (non-criminal) investigation of Ms. Aggelakos complaint.

You are to complete and direct a written memo to me, in which you will respond in detail as to your recollection of your encounter with Ms. Aggelakos. You are to address each and every statement and action attributed to you by Ms. Aggelakos.

Furthermore, neither you, nor any person(s) acting on your behalf will have, or attempt to have, any contact with either Ms. Aggelakos, her friends, family members, fellow employees, or other acquaintances during the course of this investigation.

Attachments:

1. Complaint of Nicole Aggelakos
2. Internal Investigation (Garrity) Warning



Department of Public Safety  
BUREAU OF POLICE

TO: INSP. STRICKLAND.

FROM: PTLM. DILORETO

DATE: 9-26-01

SUBJECT: STATEMENT CONCERNING COMPLAINT

ON THE DATE IN QUESTION I WAS APPROACHED BY YOUR COMPLAINANT WHO INITIALLY ASKED ME TO WATCH HER VEHICLE. I WAS IN MY MARKED UNIT ADDING A NARRATIVE. WHEN SHE CAME OUT OF THE STORE SHE LEANED AGAINST THE PASSENGER SIDE DOOR OF MY VEHICLE AND SAID THANK YOU AND ASKED IF I WAS CITY OR STATE POLICE. SHE ALSO MADE COMMENTS ABOUT SOMEONE SHE WAS SEEING MAKING PLANS TO TAKE A POLICE TEST — SHE WENT ON TO SAY THAT IF HE DIDN'T GO THROUGH WITH IT SHE PROBABLY WOULDN'T HAVE ANYMORE TO DO WITH HIM.

SHE SAID SHE WAS GOING HOME TO MEADVILLE TO GET CHANGED AND GO OUT AND ASKED ME WHAT TIME I GOT OFF WORK. I TOLD HER I WORK UNTIL 7 A.M. AND THEN SHE ASKED IF I HAD A CELL PHONE NUMBER. I TOLD HER I DIDN'T AND THEN SHE GAVE ME HER NUMBER. SHE ALSO SAID IT WOULD BE OK FOR ME TO CALL HER.

WE BOTH LEFT THE AREA AND AT APPROXIMATELY 4<sup>TH</sup> OF STATE I NOTICED SHE WAS IN FRONT OF ME. I PULLED ALONG SIDE AND WAVED AND THAT WAS THAT.



Department of Public Safety  
BUREAU OF POLICE

TO:

FROM:

DATE:

SUBJECT:

CONTINUED

I THEN STARTED TOWARD MY MOTHER'S RESIDENCE WHICH IS COMMON PRACTICE UNTIL I WAS DISPATCHED TO A CALL AND I HEADED BACK EAST.

LATER THAT NIGHT I DID CALL AND SHE ASKED ME TO CALL BACK IN TEN MINUTES. WHEN I CALLED BACK THERE WAS NO ANSWER, I LEFT A BRIEF MESSAGE AND THAT WAS THE ABSOLUTE END OF IT. I NEVER CALLED AGAIN.



**Department of Public Safety  
BUREAU OF POLICE**

**TO:** INSF STRICKLAND

**FROM:** PTCM. DILORETO

**DATE:** 9-27-01

**SUBJECT:** RESPONSE TO COMPLAINT (CONTINUATION)

IT IS MY UNDERSTANDING THAT AS THIS IS A CONTINUATION OF MY LAST STATEMENT THAT THE GARRITY RULE IS STILL IN EFFECT.

WHEN THE COMPLAINANT SAID SHE WAS GOING TO GO OUT THAT NIGHT SHE STATED SOMETHING TO THE EFFECT THAT SHE WAS GOING TO CHANGE CLOTHES AND I ASKED WHAT WOULD BE "GOING OUT" CLOTHING IN MEADVILLE. SHE SAID, AS I RECALL, SOME "CUTE JEANS" AND SOME KIND OF TOP. THE ENTIRE CONVERSATION WAS LIGHT HEARTED IN NATURE. I BELIEVE I COMMENTED THAT THE NEW STYLE LOW CUT JEANS LOOKED SEXY WITH THE RIGHT UNDERWEAR. SHE THEN SAID THAT SHE ALWAYS WEARS "SEXY PANTIES" AND THAT SHE WAS WEARING SEXY PANTIES AT THAT MOMENT AND IF I CALLED HER AND CAME TO MEADVILLE THE NEXT DAY THAT I COULD SEE THEM THEN. I SAID THAT IF SHE KEPT TALKING LIKE THAT SHE WAS GOING TO MAKE ME COME DOWN TO MEADVILLE THAT NIGHT, WHICH I KNEW I COULDN'T AND WOULDN'T. SHE EVEN ASKED ME IF I COULD AND I SAID NO.



**Department of Public Safety  
BUREAU OF POLICE**

**TO:**

**FROM:**

**DATE:**

**SUBJECT:**

CONTINUED —

I FELT LIKE SHE WAS PROBABLY JUST TEASING ME AND AFTER CALLING AND GETTING NO ANSWER THAT NIGHT I GUESSED THAT I WAS CORRECT AND MADE NO FURTHER ATTEMPT TO CONTACT HER FIGURING SHE HAD HER FUN AT MY EXPENSE AND THAT WOULD BE THE END OF IT.


I DIDN'T SUGGEST THAT WE MEET IN A SECLUDED PLACE I ONLY SAID THAT IF SHE WANTED TO TALK MORE THAT WE COULD GET SOMETHING TO EAT AS FOOT TRAFFIC WAS HEAVY IN FRONT OF THE STORE.





**DEPARTMENT OF PUBLIC SAFETY  
BUREAU OF POLICE**

**TO:** Captain David Van Buskirk

**FROM:** Inspector H. G. Strickland 

**DATE:** Thr 27 September 2001

**SUBJECT:** Ptl. G. DiLoreto

**REFERENCE:** Citizens Complaint of Nicole Aggelakos

On this date a written response to the complaint of Ms. Aggelakos was received from Ptl. DiLoreto. In his Memo he basically, but not specifically, denies the allegations of Ms. Aggelakos. In view of this, I request that you conduct a direct interview with DiLoreto and ask him the below listed specific questions.

1. When speaking with Ms. Aggelakos, did you tell her that you would, or may pull her over, so you could see her underwear?
2. Did you ask or suggest to Ms. Aggelakos that she should meet you in a more secluded location while you were on duty?

Should DiLoreto's response be anything other than "NO" to either of these questions, have him explain (verbally and in writing ) as to his recollection of what he did say to Ms. Aggelakos.

In addition, should DiLoreto respond in any fashion, other than to admit to having made these comments to Ms. Aggelakos, ask him if he would voluntarily submit to a C.V.S.A. (Computer Voice Stress Analyzer) or polygraph examination. You may inform DiLoreto that a C.V.S.A. examination was administered to Ms. Aggelakos, and that she was found to be truthful.

**Attachments:** Copy of Ms. Aggelakos Complaint  
Copy of DiLoreto's response Memo



**Department of Public Safety  
BUREAU OF POLICE**

**TO: Inspector G. Strickland**  
**FROM: Capt. T. Adams**  
**DATE: September 28, 2001**  
**SUBJECT: Ofc. G. DiLoreto Response**

Sir,

Ofc. G. DiLoreto responded to the first question with just a no answer. The second question, he became a little more verbal, responding that that broad came on to him while he was sitting there doing a report, and that there were other people around she could have had watch her car. What he should do is file a complaint with Hamot against her.

I told Ofc. G. DiLoreto to write another memo to you answering these questions that were asked, and asked him if he would submit to a polygraph or voice stress analyzer examination. He became more upset, and said that if the City was coming after him to bring it on with he and his lawyer. He said that anymore of these questions he wanted his lawyer and his FOP representative with him.

When beginning the interview I told him that the questions were not for any criminal prosecution, and that they were just questions that needed to be clarified as they were not covered in his first memo. He was also told before asking about the voice stress analyzer or polygraph that the original complaintant had taken one and appeared to be truthfull. Ofc. G. DiLoreto's appearance when told of the truthfullness of the complaintant, seemed to change momentarily to open mouthed, and the color seemed to have momentarily drained from his face. His demeanor became once again angry shortly there after.